THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.12468 of 2000

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Dated: December 22, 2005

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Between:

R. Narender Reddy,

Sri Ganga Reddy, aged about 33 years,

Occ: unemployed,

R/o. C/o. Laxman, 7-1-8/52, Bhuktapur,

Near Girls High School,

Adilabad.

… Petitioner

And

The Managing Director,

APSRTC, Musheerabad, Hyderabad,

and another.

… Respondents

Order:

The petitioner filed this writ petition seeking Mandamus directing the respondents herein to absorb him into services pursuant to the policy of the Government of A.P and the circulars issued by the APSRTC and other relevant existing circulars issued from time to time, and to declare the action of the respondents in not absorbing the petitioner into the services of APSRTC, as illegal and arbitrary.

2. Petitioner, who worked as a supervisor from 10-03-1987 to
28-02-1991 in a private motor vehicle service, at Sirpur Kagaznagar, Adilabd Distirct, plying from Kagaznagar to Makidi (vida) Navegaon, states that due to nationalization of the said route, the operation of the said bus service was stopped, as a result of which, he was displaced from service with effect from 28-02-1991. It is the case of the petitioner that as a policy matter of the Government of Andhra Pradesh, the APSRTC agreed to absorb the services of displaced employees. According to PD.No.126/87 dated 23-11-1997, the sole eligibility for absorption is service of one year in a private motor vehicle transport, prior to nationalization. It is stated that the petitioner, after obtaining Service Certificate from his owner, certified by the Assistant Labour Officer, Sirpur, made several representations to the respondents for absorption in the APSRTC, the last one being 17-10-2000, but it is alleged that no action whatsoever has been taken on the said representation, while several other similarly placed persons have been absorbed, overlooking him. Hence, the present writ petitioner has been filed.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the APSRTC.

4. Even though the writ petition was admitted in the year 2001, no counter affidavit has been filed by the respondents. During the course of hearing of the writ petition, learned Standing Counsel is not in a position to explain as to why no orders have been passed on the representation of the petitioner and why the case of the petitioner could not be considered, while similarly placed persons were alleged to have been absorbed in the corporation, overlooking the petitioner.

5. In the absence of counter affidavit being filed, and in view of the unsatisfactory arguments made by the learned Standing Counsel to defend her case, this Court has no other go except to take the allegations made in the affidavit filed in support of the writ petition to be true and correct and allow the writ petition.

6. The writ petition is accordingly allowed. The respondents are directed to consider the representation of the petitioner, and pass appropriate orders, in accordance with law. No costs.

N.V. RAMANA, J.

December 22, 2005

MRR